IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3530 OF 2004

1. Shri Jalindar Narayan Gawade
and ors. .. Applicants

Vs

The State of Maharashtra, .. Respondent

Mr R.D.Suryawanshi, for the applicants.

Mr S.R.Shinde, APP for the respondent.

Mr. Milind Deshmukh, for the complainant.

CORAM : D.B.BHOSALE,J.

DATE : 23rd AUGUST, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The applicants are involved in C.R.No.19/2004 registered at Baramati Taluka Police Station mainly under sections 302, 307 read with 147 of Indian Penal Code. The occurrence took place on 21.3.2004 at 7.15 pm when the applicants and 21 others are alleged to have assaulted the members of rival group in the village consisting of deceased- Navnath, complainant-Santosh, Ganesh, Tanaji, Ankush etc.

3. In so far as the applicants are concerned, the

prosecution case is that applicant no.1 Jalindar Gawade assaulted Shankar Gawade with the stick of an axe on his head, applicant no.2 Amol Gawade assaulted Santosh Gawade with the sickle on his left hand, applicant no.3 Mahadeo Yadav assaulted Shivaji Gawade with the stick of an axe, applicant no.4 Sachin More assaulted Santosh Gawade with the iron rod on his back, left leg, head and thigh and applicant no.5 Mansing Jadhav assaulted Shankar Gawade with the stick of an axe on his head. I have perused the injury certificates of all the victims who were allegedly assaulted by the present applicants. The injuries suffered by Shivaji were all contusions and abrasions. Out of the four injuries suffered by him, only one injury, on the left knee-joint, could be attributed to applicant no.3 Mahadeo Yadav. In so far as Santosh Gawade is concerned, he was allegedly assaulted by applicant no.2 Amol Gawade and applicant no.4 Sachin More. He suffered one abrasion and two contusions which apparently are superficial injuries. Shankar Gawade was allegedly assaulted by applicant no.1 Jalindar Gawade and applicant no.5 Mansing Jadhav. However, his injury certificate shows that he suffered only one contused lacerated wound. The applicants had not assaulted the deceased. It is now well settled that even in a case, the accused are tied up with the aid of section 120-B or 147 IPC, role of each person can

certainly be evaluated for the purpose of bail and those whose role is not serious can be more liberally considered. Keeping this in view and considering the role played by all the applicants and considering the order dated 9.8.2004 passed in Criminal Application No.3316 of 2004 in respect of other five accused involved in the instant crime, I am inclined to enlarge the applicants on bail.

4. The applicants are directed to be enlarged on bail on their furnishing personal bonds of Rs.10,000/- each with one or two sureties of the like amount to the satisfaction of the trial Court subject to the conditions that they shall not enter within the jurisdiction of village Medad for a period of four months from the date of their release. The applicants shall keep informed their residential addresses to the concerned police station where they propose to stay during the aforesaid period after their release on bail and shall report to the nearest police station from the place of their residence on every Saturday between 10 am and 11 am. After four months, the applicants will be allowed to enter village Medad subject to the condition that they shall report the concerned police station on every Saturday between 10 am and 11 am until the conclusion of their trial.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.BHOSALE, J.)